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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,816	08/29/2001	Selim Shlomo Rakib	TER-018	8433

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EXAMINER
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BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/942,816	<b>Applicant(s)</b> RAKIB, SELIM SHLOMO	
	<b>Examiner</b> KIEU-OANH T BUI	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

2. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Laubach et al. (U.S. Patent No. 5,870,134).

Regarding claim 1, Laubach discloses a signal distribution system for serving a plurality of customers (Figs. 2 & 6) using a shared cable modem coupled to a shared cable TV signal distribution (Fig. 2/item 112, and col. 8/lines 58-66 for shared cable modem, coupled to a shared cable TV or headend CATV 101) or other transmission medium (col. 4/lines 1-18) comprising:

a shared cable coupled to said medium (Fig. 2/item 112, and col. 8/lines 58-66 for shared cable modem);

a shared local area network (LAN) packet switch (ATM packet switch, Fig. 1/item 106 within a LAN, col. 4/lines 32-54) and concentrator (Fig. 1/item 105 of a MGMT processor as a concentrator within the headend controller) coupled by a LAN segment or other data path to said shared cable modem (as shown in Figs. 1 & 2 with data path or LAN segment to cable modem 112) and having at least one LAN port for each subscriber that shares said modem (as shown in Figs. 5 & 6 as transmit port card and receive port card regarding as LAN port interface for interfacing with the customer or subscriber either on downstream or upstream communication,

and at each subscriber home, a coupler is used as a port for coupling each subscriber to the cable modem 112);

a plurality of diplexer filters each having high frequency input coupled to said cable TV signal delivery medium (col. 1/lines 15 as diplexing filters or amplifiers are used conventionally between cable modems and cable TV delivery medium, see further on col. 12/lines 32-44 and col. 4/lines 43-54 for bi-directional high speed digital data exchange) and a low frequency input coupled to a port of said switch and concentrator and each having a drop cable output for coupling to a coaxial drop cable for coupling to and forming part of local area network of each subscriber (as illustrated in Fig. 2 for low frequency connection between the headend and the subscriber on coaxial line of 5-42MHz frequency range versus high speed of 902 MHz to 5850MHz (col. 7/lines 10-37).

As for claim 2, as already discussed in claim 1 above, this limitation is met a Laubach suggests to include diplexers can be easily installed at the subscriber's home (col. 12/lines 33-44) as well as coaxial cable input for coupling or connecting to the coaxial cable analog TV distribution system (Fig. 2 shows a CATV distribution system consists of analog TV programming with coaxial cable lines to subscribers using line extenders and couplers or splitters with frequency ranges for coaxial lines (col. 7/line 10 to col. 8/line 57).

*Allowable Subject Matter*

3. Claims 3-24 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter:

The closest prior art of record issued to Laubach does not further address the system and processing steps as in claims 3-5 and 21 wherein in each diplexer filter which combines a baseband packet data transmission with downstream analog CATV signals together with the receiving step and filtering out all packets not addressed to a subscriber that is sharing the cable modem and examining the address data in the packet headers and then routing each packet to an appropriate LAN segment or segments coupled to one or more diplexer filters; the prior art does not suggest a system and its process for transmitting and receiving analog signals using a shared cable modem on a CATV and with the introduction of voice over IP and telephone signals as claimed in claims 6-11; the prior art does not suggest a system and its process for an apparatus of a shared cable modem for coupling to a hybrid fiber coaxial cable with DSL concentrator and a siamese cable drop lines as claimed in claims 12-14; the prior art does not suggest a system and its process for a system of a shared cable modem coupled to a shared CATV signal which includes DSL packet, diplexer filters, LAN packet data, XDSL modem for converting upstream XDSL signals to upstream XDSL packet data and siamese drop cables as claimed in claims 15-17 as well as detailed arrangements in claims 18-20 and 22-24 for a shared cable modem with other network elements.

***Conclusion***

**5. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to Crystal Park 77, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (703) 305-4755.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Krista Bui  
Art Unit 2611  
October 21, 2004



KRISTA BUI  
PATENT EXAMINER